IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 9TH MARCH 2007 / 18TH PHALGUNA 1928

Bail Appl..No. 1399 of 2007()

CMP.157/2007 of J.M.F.C.-II, HARIPAD

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PETITIONER/6TH ACCUSED

SARATH CHANDRAN @ KANNAN,
S/O.RAMACHANDRAN PILLAI, KARRISSERIL PUTHEN
VEETTIL, MUTTAMMURI, CHEPPAD VILLAGE, WARD NO.V,
CHEPPAD PANCHAYATH.

BY ADV. SRI.SHIRAZ ABDULLA

RESPONDENTS: COMPLAINANT

S.H.O., KAREELAKULANGARA POLICE
STATION, REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/03/2007, ALONG WITH B.A.1412/07 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application NO. 1399 of 2007

&

1412 of 2007

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DATED: 9th March 2007

O R D E R

In these applications for regular bail accused Nos. 6 and 2 respectively in Crime No. 9 of 2007 of Kareelakulangara Police Station for offences punishable under Sections 55 (a) and 67 B of Kerala Abkari Act, seek their enlargement on bail.

2. The petitioners are alleged to have been found loading 7616 litres of rectified spirit in a Qualis Car in the precincts of an Automobile Service Station on 9-1-2007. They were arrested on the same day. Even though the learned Public Prosecutor opposed the application, the fact remains that no final report has been filed even after 60 days of detention of the petitioners. If so, by virtue of the proviso to sec.167(2) Cr.P.C. the petitioners are entitled to be released on bail as of right.

3. Accordingly, the petitioners are directed to be released on bail on each of them executing a bond for Rs. 20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.-II , Harippad, and subject to the following conditions:-

1. The petitioners shall report before the Investigating Officer between 9 a.m. and 11

a.m. on all Wednesdays.

2. The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

3. The petitioners shall make themselves available for interrogation as and when required by the investigating officer.

4. The petitioners shall not commit any offence while on bail.

If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

These applications are allowed as above.

V.RAMKUMAR, JUDGE

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